



Council Meeting – Council Chambers
April 16, 2014 – 7:30 pm
Mayor Mark A Cegelka presiding

The Mayor, Mark A Cegelka called the meeting to order at 7:30 p.m. and all present said the Pledge of Allegiance.

Present: Jeff Adie, John Baca, Don Banas, Eric Johnson, Gurvis Smith, Larry Sylver
Others Present: Engineer Mike Henry, Law Director Dave Matty, and Clerk of Council
Lori Pepera

APPROVAL OF MINUTES

The minutes of the Regular Council Meeting of April 2, 2014, were approved as presented.
(Baca/Sylver)

Roll Call: Yeas – Adie, Baca, Banas, Johnson, Smith, Sylver
Nays – None

6 yeas – 0 nays
Motion carried

PAY ORDINANCE

2014-4-30

The Pay Ordinance was approved as presented (Adie/Smith)

Roll Call: Yeas – Adie, Baca, Banas, Johnson, Smith, Sylver
Nays – None

6 yeas – 0 nays
Motion carried

CORRESPONDENCE & MAYOR'S REPORT:

The following were attached in the Mayor's packet:

- A copy of a Memo *Mayor Cegelka* received from *Sam Scaffide*, Service Director, regarding the ODOT Salt Purchase for the 2014/2015 season. After researching for the best options for a salt provider, Sam continues to believe that the ODOT consortium is the best option for the Village of Glenwillow.
- A copy of the report received from *Oakwood Fire Department* for Fire and EMS runs for the month of March 2014.
- A copy of the Solon Schools Tax Sharing spreadsheet for the CRA agreements. A total of \$470,753.02 will be sent to the Solon Schools for the taxes collected in 2013.
- A copy of a memo *Mayor Cegelka* received from *Chief Hagquist*, reporting he will be out of town from 4/17 to 4/27. In his absence *Lt. Michael Megyesi* will be in charge.
- A copy of the Client Summary for the Village of Glenwillow, received from attorneys, *Matty, Henrikson & Greve LLC* for the month of March 2014, in the amount of \$8,780.50.
- A letter dated March 28, 2014, sent to *Chris Verbosky*, Plant Manager, Millwood/CHEP, located at 30311 Emerald Valley Parkway, Unit 300 in Glenwillow, from *Dave Matty*, Law Director, advising him that it is unlawful to discharge waste into the sanitary sewer system and to cease and desist these activities immediately.
- A copy of a letter dated April 4, 2014, addressed to *Austin Price*, Lead Procurement Coordinator with the Morton Salt, Inc. sent by *Dave Matty*, Law Director. The letter cites pursuant to Article 47 of the Agreement between the Village of Glenwillow and Morton Salt, the Village is assessing late delivery charges against Morton Salt in the amount of \$3,336.45.
- A copy of the April Newsletter by *Joe Waechter*, president of Wine Direct with the announcement that they have moved into a new state-of-the art facility in Glenwillow, Ohio. Their new equipment is the latest in the cutting edge of technology.
- A copy of the Solon Lightning Soccer Club and the Solon Stampede Baseball Team, scheduled events and times for April, May, June and July for 2014.

- *Martha Sweide* passed away April 7, 2014. *Martha* was a long time resident and served as Clerk Treasurer for the Village for approximately 34 years.
- A copy of a letter *Mayor Cegelka* received from *Alex Margevicius*, Interim Commissioner with Cleveland Water, advising that for over 30 years the American Water Works Association along with its members have celebrated “National Drinking Water Week” Cleveland Water will open doors to two water facilities on Saturday, May 10, 2014, between the hours of 10:00 AM to 4:00 PM for customers to learn how we reliably deliver quality water from Lake Erie to tap.

Baldwin Water Works – 11216 Stokes Blvd., Cleveland, Ohio 44104
Crown Water Works – 995 Clague Road, Westlake, Ohio 44145

- A copy of a “PRESS RELEASE” that the Regional Tax Agency is facing the challenge of unprecedented demand for filing services. The Agency is responding with the increases in internet bandwidth and phone coverage. They have noted in the “Press Release” those who have not been able to connect with the Agency tax filings by Monday, April 21st by 12:00 midnight will not be assessed penalty or interest for late filing.
- A letter of Resignation from *Michael Skvasik*, Building Commissioner, effective May 4, 2014.
- A copy of a letter dated April 4, 2014, *Mayor Cegelka* received from *Chris Thomas*, Government Relations with the Time Warner Cable. The letter is to inform him that effective on or about May 6, 2014, Time Warner Cable will be taking another important step towards adding additional programming and improving Internet speeds by reclaiming bandwidth through providing existing programming in digital format only.
- A copy of an article “Let’s Keep Cleveland Strong” by Voting Yes on issue #7, to extend, not increase, Cuyahoga County’s minimal cigarette and alcohol tax.
- *Mayor Cegelka* will be away from the office on the following dates;
April 17th to April 28th
Vice Mayor, John Baca, will cover for Mayor Cegelka while he is away.

NEW BUSINESS:

<p>2014-4-8 Resolution</p>	<p>A Resolution authorizing the Mayor to enter into a Tax Authority Portal Agreement with the Regional Income Tax Agency and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Motion to suspend 3 reading rule (Baca/Sylver) Roll Call: Yeas—Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Motion carried • Motion to approve. (Baca/Banas) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Resolution carried
<p>2014-4-9 Resolution</p>	<p>A Resolution authorizing the Mayor to enter into a Cooperative Purchasing Program Agreement with ODOT for the purchase of rock salt for the 2014-2015 winter season and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> • Motion to suspend 3 reading rule (Smith/Banas) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Motion carried • Motion to approve. (Banas/Baca) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None 6 yeas – 0 nays Resolution carried

<p>2014-4-10</p> <p>Resolution</p>	<p>A Resolution accepting the bid of C. A. Agresta Construction Company for the Pettibone Road Realignment Project and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> <p>Motion to suspend 3 reading rule (Smith/Baca) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None</p> <p>6 yeas – 0 nays Motion carried</p> <p>Motion to approve. (Sylver/Adie) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None</p> <p>6 yeas – 0 nays Resolution carried</p>
<p>2014-4-11</p> <p>Resolution</p>	<p>A Resolution approving Change Order No. 1 to the contract with Longo Sewer Construction, Inc. for the Pettibone Road Bridge 01.45 Maintenance and Repair Project and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> <p>Motion to suspend 3 reading (Adie/Baca) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None</p> <p>6 yeas – 0 nays Motion carried</p> <p>Motion to approve. (Adie/Sylver) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None</p> <p>6 yeas – 0 nays Resolution carried</p>

2014-4-31 Ordinance	<p>An Ordinance enacting Chapter 141 of the Administrative Code establishing the position of Village Engineer and declaring an emergency. (Mayor & Council)</p> <ul style="list-style-type: none"> <p>Motion to suspend 3 reading rule (Smith/Johnson) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None</p> <p style="text-align: right;">6 yeas – 0 nays Motion carried</p> <p>Motion to approve. (Sylver/Smith) Roll Call: Yeas— Adie, Baca, Banas, Johnson, Smith, Sylver Nays—None</p> <p style="text-align: right;">6 yeas – 0 nays Ordinance carried</p>
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ENGINEER MIKE HENRY:

- Engineer Mike Henry reported on the bid opening that was held on Friday April 4, 2014 for the Pettibone Road Realignment Project. The lowest and best bid from C.A. Agresta was accepted. The project is due to begin mid June, after school is out, and is expected to be finished by mid August. Pettibone Road will be closed eastbound during this time. Traffic will remain open to westbound traffic only.
- Mayor Cegelka reported that this is an Issue 1 Project, where the Village will receive grants and loans along with some financial participation from the Village. The Village will apply for the various reimbursements from the State of Ohio and pay the Village's share of the project using TIF funds.
- Councilman Larry Sylver questioned line items #32, linear grading, topsoil, seeding and mulching, and #53, hardwood bark mulch, on the bid tabulation sheet. Both line items give a price for mulch. Engineer Mike Henry explained item #32 refers to straw as mulch used for seeding. Item #53 refers to landscaping mulch.
- Mike Henry explained the detour route that will be in effect during the project; the detour will direct traffic north on Cochran Road and east on Solon Road to Route 91. The City of Solon has added signs to the plan that they require on their side streets and will notify their residents and businesses. The Village will also notify the residents and businesses before the project begins.

- Engineer Mike Henry gave a brief overview of Resolution 2014-4-11, approving Change Order No. 1 to the contract with Longo Sewer Construction, Inc. for the Pettibone Road Bridge 01.45 Maintenance and Repair Project on the agenda this evening. This is a decrease in the total amount of the project cost of approximately \$63,000. During the project, it was discovered that the part of the wall on the north side of bridge did not need replaced. Since the forms and materials to replace this part of the wall were already purchased and were not used, the installation for this part of the project is being deducted off of the original contract.

LAW DIRECTOR DAVE MATTY:

- Law Director Dave Matty gave an overview of Ordinance 2014-4-31, enacting Chapter 141 of the Administrative Code establishing the position of Village Engineer. The reason for setting up a chapter for the Village Engineer is to put some additional definition to the position and some additional protection to the Engineering firm the Village uses. Councilman Banas questioned the intent of this Ordinance. The Law Director responded, the intent is to make sure that the current immunity rules apply to the Engineering firm as they apply to the Village. It would be much easier for the Law Director to argue to a court the Engineer is more like an employee than a contractor. Councilman Banas then questioned if there was to be litigation where the Engineer and the Village were both named, if the Engineer's insurance would be separate and distinct from the Village's. The Law Director confirmed that would be the case.
- The Law Director commented on the NEORSD case. He has had conversations with former Law Director John Brown regarding the prior service area on Richmond Road. It is the Law Director's recommendation to Council that at the next Council Meeting, with Council's approval, he will have an agreement in the form of an Ordinance to use the Law Firm Taft Stettinius to defend the Village in the NEORSD case. They would be defending the Village in a different manner than they are defending the other communities. The other communities are initially paying a fee of \$7,500.00 and a percentage of any additional fees that are incurred on the case to have the case argued in the Supreme Court. The Village would be paying, with the approval of Council, \$2,500.00 for the total defense of the Village no matter if any other expenses are incurred. The Village will not be part of the continuing expense that may exist at the Supreme Court because of the limited involvement as far as the number of lots and the number of residents. Dave has discussed the additional issue of the prior service area with former Law Director John Brown as to what he had done in 1992, 2006 & 2007, and has found that the Village has done nothing that it should not have. He has found that the NEORSD has not done their entire part of what they should have. Councilman Adie questioned what the geographical location is of the prior service area. The prior service area involves the Tinkers Valley development. The NEORSD did not pass the necessary Resolution to accept what the Village had passed in 2006 & 2007 regarding the modified service agreement and prior service area.

Councilman Adie reported on the Personnel Committee Meeting held this evening. Options for employee compensation were discussed along with reviewing the employee handbook.

Councilman Sylver is working on a new contract with Greenfields Environmental for the next Council Meeting.

Councilman Sylver scheduled a Recreation Committee Meeting to be held May 7, 2014 at 6:30 p.m.

Councilman Banas scheduled an Infrastructure Committee Meeting to be held on May 7, 2014 at 6:45 p.m.

Councilman Adie scheduled a Personnel Committee Meeting to be held on May 21, 2014 at 6:30 p.m.

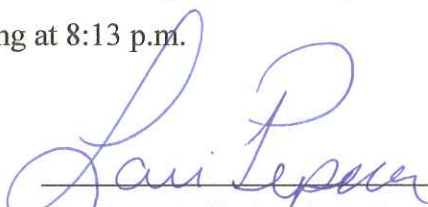
CITIZEN PARTICIPATION:

There being no further business to come before Council, motion by Gurvis Smith seconded by Jeff Adie to adjourn the meeting. Vote on the motion to adjourn was all yeas and no nays.

Mayor Mark A. Cegelka adjourned the meeting at 8:13 p.m.



Mark A. Cegelka – Mayor & President of Council



Lori Pepera, Clerk of Council